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December 18, 2001

Magalie Roman Salas, Secretary  
Federal Communications Commission  
Washington, DC 20554

**Re: Report of Oral *Ex Parte* Communication  
ET Docket No. 00-221  
Reallocation of the 216-217 MHz Band**

Dear Ms. Salas:

Pursuant to Section 1.1206(a)(2) of the Commission's Rules, this is to report that on December 18, 2001, representing the **Hearing Industries Association** ("HIA"), I had two telephone conversations concerning the above-captioned proceeding with Monica Desai, Legal Advisor in the **Office of Commissioner Martin**.

In response to questions from Ms. Desai, I stated that HIA did not see any threat to assistive listening devices ("ALDs") operating in the 216-217 MHz band if government users were permitted to obtain additional licenses in the 217-220 MHz band, as long as no extremely high powered operations are authorized.

I also stated that additional operations by government users in the 216-217 MHz band would not be a threat to ALDs if the overall intensity of government use of the band were not increased significantly, government operations were restricted to low power levels compatible with ALDs, and operations were concentrated in lightly populated or unpopulated areas. However, as an overall matter, it was difficult for HIA to take a definite position on additional government operations without knowing more details about how many operations would be authorized at what locations and at what power levels.

I said that the concept of making government operations secondary would not likely protect ALD users adequately, because regardless of spectrum priority, it is difficult or impossible for ALD

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users to identify and make known to sources of interference the fact that their use of ALDs is being impaired.

Respectfully submitted,

/s/ Peter Tannenwald

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Counsel for the Hearing  
Industries Association

cc: Monica Desai, Esq.  
Mr. David Woodbury